



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 14, 1995

Ms. Gail Fenter  
Assistant City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79702-1152

OR95-955

Dear Ms. Fenter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34719.

The City of Midland (the "city") received a request for a particular police case file. You claim that the requested information is excepted from disclosure under section 34.08 of the Family Code as applied through section 552.101 of the Government Code. You have submitted the requested documents to this office for review.

Chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. Section 34.08(a) of the Family Code provides:

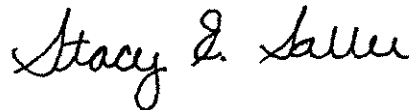
Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. You state that neither subsection is applicable to the current request. Because you have not cited any specific regulation that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists.

You also state that the investigation sought by the requestor was made by the Midland Police Department at the request of the Department of Human Services. Therefore, the records at issue are confidential pursuant to section 34.08(a) of the Family Code. See Open Records Decision No. 440 (1986) at 2. We enclose a copy of Open Records Decision No. 440 (1986) for your information. Accordingly, the city must withhold these documents.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/rho

Ref.: ID# 34719

Enclosures: Open Records Decision No. 440 (1986)  
Submitted documents

cc: Mr. Thomas J. Frederick  
2613 N. Midland Drive #506  
Midland, Texas 79707  
(w/o enclosures)